

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF DONALD F.) APPEAL NO. 07-A-2651
CASSAT from the decision of the Board of) FINAL DECISION
Equalization of Valley County for tax year 2007.) AND ORDER
)

CITY LOT AND UTILITY SHED APPEAL

THIS MATTER was conducted "On the Record" - in writing. Board Members Lyle R. Cobbs, Linda S. Pike and David E. Kinghorn participated in this decision. Appellant Donald F. Cassat submitted written information for consideration. Respondent Valley County also submitted written information for consideration. This appeal is taken from a decision of the Valley County Board of Equalization (BOE) denying the protest of the valuation for taxing purposes of property described as Parcel No. RPM0109001003AA.

The issue on appeal is the market value of a lot and utility shed.

The decision of the Valley County Board of Equalization is reversed.

FINDINGS OF FACT

The assessed land value is \$102,280, and the improvements' valuation is \$760, totaling \$103,040. Appellant requests the land value be reduced to \$50,000, and the improvements' value be reduced to \$500, totaling \$50,500. On the written record Appellant requested the land value be reduced to \$73,000 and the improvements value remain unchanged at \$760, totaling \$73,760.

The subject property is .124 acres located in the Amended Plat of Hoff and Brown Subdivision First Addition in McCall, Idaho.

Appellant reported an increase in market value of subject from \$40,650 in 2006 to \$102,280 in 2007. Taxpayer presented the sales of several vacant lots. The exhibit included the size of the lot, date of sale and address. The exhibit also included several asking prices for

lots in the City of McCall along with the days on the market. The sale prices ranged from \$6.71 to \$12.90 per square foot and the sales took place during the last quarter of 2005 and into April of 2007. Subject is currently assessed for \$18.94 per square foot.

Appellant wrote the County submitted sales which ranged from \$4.11 to \$26.95 per square foot. Appellant noted two of the sale lots were most like subject in size. These sales were \$13.37 and \$26.95 per square foot. Appellant wrote having not seen the sale lots or their location, it was opined the \$26.95 per square foot sale had a tremendous advantage in location or zoning or the sale was unusual and should be discarded.

Appellant asserted subject size, .124 acre, or 50 x 108 foot lot, restricted the size and type of improvement that could be added to the lot. Because of the restrictions, Taxpayer urged subject be valued on the lower end of the price per square foot rate.

The County presented sales that ranged in price from \$4.11 to \$26.95 per square foot. The two properties most like subject in size were 0.103 acres, which sold for \$13.37 per square foot and 0.115 acres which sold for \$26.65 per square foot. The Assessor wrote that the increase in the assessed value of subject was consistent with the trend of rising property values in 2007. Values throughout the County had shifted significantly upward, which continued through the end of 2006.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho is a market value state for property tax purposes. Idaho Code § 63-201(10)

provides the requisite definition:

“Market value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Property not expressly exempt is valued at its current market value as of January 1 in the given tax year. Recent, proximate sales of comparable property are considered good evidence of value.

Both parties presented several sales to support the value claims.

The Assessor’s 2006 sales ranged from \$4.11 to \$26.95 per square foot, and the assessed value ranged from \$2.97 to \$18.88 per square foot. Subject is assessed for \$18.94 per square foot.

Appellant’s sales ranged from \$9.00 to \$12.65 per square foot. Without the location of the Assessor’s sales, Appellant could not comment on how like the subject they were. Appellant amended the requested reduction claim on the record. Appellant wrote the \$760 value of subject utility building was acceptable, but estimated the price per square foot of subject should be reduced to \$13.60 for a land value of \$73,000.

Idaho Code § 63-511. Appeals from county board of equalization –

(4) In any appeal taken to the board of tax appeals or the district court pursuant to this section, the burden of proof shall fall upon the party seeking affirmative relief to establish that the valuation from which the appeal is taken is erroneous, or that the board of equalization erred in its decision regarding a claim that certain property is exempt from taxation, the value thereof, or any other relief sought before the board of equalization. A preponderance of evidence shall suffice to sustain the burden of proof. The burden of proof shall fall upon the party seeking affirmative relief and the burden of going forward with the evidence shall shift as in other civil litigation . . .

We are convinced from Appellant’s sales information, subject value is overestimated. We

find Appellant has met the burden of proof and a reduction in the assessed value of subject is warranted.

Therefore, the decision of the Valley County Board of Equalization is reversed, reducing the value of subject to the amended claim of relief.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Valley County Board of Equalization concerning the subject parcel be, and the same hereby is, reversed, lowering the assessed value of the land to \$73,000 and the improvements value to remain at \$760 for a total value of \$73,760.

IT IS FURTHER ORDERED that any taxes which have been paid in excess of those determined to have been due be refunded or applied against other *ad valorem* taxes due from Appellant.

MAILED March 20, 2008